

# EXHIBIT B

## Andrew W. Breland

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**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>  
**Sent:** Monday, March 27, 2023 4:03 PM  
**To:** Andrew W. Breland; Thompson, Latisha V.; Will, Amber R.; Y. David Scharf; Roy, Kristin; Dockwell, Brett D.; Hong, Richard  
**Cc:** David E. Ross; David J. Mark; Daniel J. Koevary  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections  
**Attachments:** Joint Letter Re Additional Discovery-03.27.23.DOCX; Exhibit C-Discovery Conference Transcript.pdf; Exhibit D-Initial Document Requests.pdf

Andrew,

Please see the attached containing our portion of the joint letter, with edits to the opening section, along with our two exhibits. Please also send us a copy of your exhibits for final review. We will confirm whether the letter can be filed once we review the final version with exhibits. Thanks.

### Mahnoor Misbah

*She/her/hers*

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>  
**Sent:** Thursday, March 23, 2023 10:33 PM  
**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

**CAUTION:** External sender. Verify before continuing.

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Thanks Mahnoor. I'll send a dial-in.

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**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>  
**Sent:** Thursday, March 23, 2023 10:04 PM  
**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin

<[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Thanks, Andrew. We are available between 12-1.

**Mahnoor Misbah**

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Thursday, March 23, 2023 6:14 PM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

**CAUTION:** External sender. Verify before continuing.

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Thanks Mahnoor. While we understood your last email to refuse production in response to the requests we laid out below, we're happy to discuss it further. We're available tomorrow 10:00AM-1:00PM. Let us know what works.

Thanks,  
Andrew

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**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Thursday, March 23, 2023 5:59 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Andrew,

Thank you for your response. We have received your portion of the joint letter to the Court. After we had submitted a response last Friday afternoon to your request, we had expected that the parties would work to resolve their issues through a meet and confer, as was requested in our email. However, as evidenced by your letter, instead of scheduling a meet and confer that would cover all pending discovery issues, USSM seeks court intervention instead. We are in the process of reviewing your letter and drafting a response. We will endeavor to respond as soon as possible but it likely will not be by tomorrow. You will receive our portion of the letter in advance of the anticipated filing on Monday afternoon.

Please let us know your availability for a meet and confer either tomorrow or Monday so that we can discuss the other remaining discovery issues. Thanks.

Best,  
Mahnoor

**Mahnoor Misbah**

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Wednesday, March 22, 2023 4:39 PM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[ltompson@morrisoncohen.com](mailto:ltompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

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Mahnoor,

Thanks for the updates below. We agree that belaboring the issues related to our document requests is not likely to get us anywhere. To that end, we've drafted our portion of joint letter to the Court, which is attached here. Please provide your insert by the end of the day Friday so that we both can review and get a letter on file by the end of the day Monday.

In the letter, we don't address the phone messages, since we understand that you have agreed to collect and search them, using our agreed-upon search terms, for communications responsive to all requests to which you have or will produce responsive documents. We also don't address the issues related to Cushman and Wakefield. As to those, we requested your client's engagement letter to determine that firm's role and responsibilities related to the provision of

legal services. As the case you cite states, the actual role performed by a third-party like Cushman and Wakefield matters. *See Sampedro v. Silver Point Cap., L.P.*, 818 F. App'x 14, 19 (2d Cir. 2020), as amended (June 5, 2020) ("Communications by the client to his counsel and a third-party reasonably related to the purpose of having the third-party interpret the communications so that the lawyer may better give legal advice remain protected. However, the privilege does not extend to communications where the third party merely provides additional information the client did not have for the lawyer to advise his client about the legal and financial implications of an action." (cleaned up)). We still do not have enough information to make the determination whether Cushman and Wakefield's involvement was necessary as described in the relevant cases. However, since it seems likely that we will be able to resolve this, we haven't included this issue in the letter. USSM reserves the right to raise these issues with the Court in the event we are unable to resolve them consensually.

Finally, as to exhibits to the joint letter, we expect to attach this email chain as well as the additional chain attached here, which constitutes our correspondence related to your search for and collection of documents and communications before your production in January.

We are happy to get on a call to resolve any of these issues if you think it would be fruitful.

Thanks,  
Andrew

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Friday, March 17, 2023 2:18 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltompson@morrisoncohen.com](mailto:ltompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Andrew,

Thanks for your response. Please see Lender's further responses below.

*First*, we have had a chance to connect with our client regarding text/WhatsApp messages. Although we do not believe there is a large amount of relevant messages, we do intend on producing such messages. We are currently in the process of collecting the relevant data.

*Second*, it is unclear to Lender why USSM is seeking the engagement letter between CW and Lender and how this letter would help USSM evaluate the extent of the privilege asserted. The mere fact that Lender retained CW, as opposed to Lender's attorney retaining CW, does not break privilege in any way. *See Sampedro v. Silver Point Cap., L.P.*, 818 F. App'x 14, 19 (2d Cir. 2020), as amended (June 5, 2020) (holding that privilege was not broken by inclusion of third-party consulting firm retained by corporate client, and noting, "[C]ommunications by the client' to his counsel and a third-party 'reasonably related to [the] purpose' of having the third-party 'interpret [the communications] so that the lawyer may better give legal advice' remain protected." (citations omitted)).

*Finally*, Lender had invited USSM to provide a new set of tailored document requests, however, USSM's "narrowed and specific requests" are identical to its original overly-broad requests. If USSM agrees to provide actual narrowed requests, we are open to considering them, but the requests as they stand remain overbroad, disproportionate to the needs of the case and are not acceptable. If USSM intends to stand by these requests and bring the issue to the Court, we intend to seek costs for USSM's repeated frivolous attempts at seeking discovery that it is not entitled to. The parties mutually

agreed to a set of document requests. The fact that the documents responsive to those requests do not support USSM's claims and affirmative defenses is not a sufficient basis for continuing to seek further documents. Please note that to the extent you intend to continue to pursue such overbroad requests (before the Court or otherwise), Lender intends to seek its costs and fees, including those incurred in connection with the agreed-upon process for the production of documents in the possession of Lender's outside counsel, K&L Gates. As you know, after that process was completed and responsive documents produced, USSM issued an additional third-party subpoena to K&L Gates for what appears to be no apparent purpose other than to drive up litigation costs and slow down the discovery process to avoid getting to a determination on the merits.

We would like to conduct a meet and confer next week to resolve these ongoing issues. Please let us know when you are available. Thanks.

Best,  
Mahnoor

**Mahnoor Misbah**

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Tuesday, March 14, 2023 6:26 PM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

**CAUTION:** External sender. Verify before continuing.

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Mahnoor,

Thanks for further information and clarifications. There are still a number of issues to resolve.

As an initial matter, we expected to hear back from you last week about the collection and search of text/WhatsApp messages. You have had ample time to discuss this with your client and we cannot allow this process to be delayed any further. Please let us know as soon as possible, and no later than this week, whether Lender will produce text/WhatsApp messages responsive to our requests. If not, we intend to raise the issue with the Court.

Second, the additional information you provided on Cushman and Wakefield's ("CW") role and the individuals listed on Lender's privilege log suggests that CW's involvement breaks privilege. In particular, you stated that "Lender retained

Cushman & Wakefield and connected Cushman & Wakefield with counsel so that Lender could meet its legal obligations during the foreclosure sale.” Consultants—what you appear to be classifying CW as here—remain within the attorney client privilege only in narrow circumstances, none of which apply to CW. *See Universal Standard Inc. v. Target Corp.*, 331 F.R.D. 80, 91 (S.D.N.Y. 2019). In particular, you appear to argue that CW was retained to assist in legal work, but then state that the Lender, not counsel, retained them. In order to assess whether the assertion of privilege over these documents is appropriate, we ask that you produce the engagement letter between CW and the Lender so we can better understand the nature of CW’s retention. Please confirm as soon as possible, and no later than this week, whether you will do so or whether you will produce the CW documents previously withheld as privileged.

Finally, on the issue of document production, we believe that the production we requested—that Lender produce all documents responsive to our original requests and not the initial set of narrowed ones—is appropriate and proportional to the needs of this case. Indeed, you have confirmed that you’ve reviewed all the documents that hit on the search terms we agreed on, so any burden in production is exceedingly minimal. That said, in order to resolve this issue and avoid burdening the Court, USSM is willing to accept production to these narrowed and specific requests in satisfaction of all of USSM’s Initial Document Requests:

- Documents and Communications concerning the drafting and negotiation of the Loan Documents
  - o Lender’s claims in this case concern more than Section 5.2.2. Lender’s motion for summary judgment, which Judge Woods denied to allow for additional discovery on the issues raised in it, cited additional provisions of the Loan Agreements and the Pledge Agreement. In addition, Lender’s argument to date has been that the Loan Documents, read as a whole, allow for the exercise of unrelated rights despite a specific provision of the agreement regarding rights following a condemnation. Lender’s position has put the drafting of the whole agreement at issue.
- Documents and communications concerning existing or prospective tenants at Union Station.
  - o These documents were required by Document Request Nos. 1, 3, 6, and 12 and, to the extent CW was involved in leasing and marketing, Request No. 9. Lender’s interference with USSM’s tenant relationships is central to USSM’s affirmative defenses.
- Documents and communications concerning Union Station and CW
  - o These documents were required by Document Request Nos. 1, 2, 4, 6, 8-13, and 16. To the extent Lender acted with or through CW to market the property, lease to tenants, manage any portion of the property, and to effectuate the purported foreclosure, Lender’s communications with CW are relevant to the issues in the litigation.
- Documents and communications concerning Union Station and Blackrock, SL Green, Wells Fargo, or Amtrak.
  - o These documents were required by Document Request Nos. 1, 3, 10, 13, 14, 15, and 19-24. Lender’s conduct and discussions with these entities are relevant to USSM’s affirmative defense asserting interference in and bad faith refusals to refinance the Loans, including in connection with the Equity Investment and the previously noticed foreclosures.. Lender’s internal communications (or communications with other third parties) about these entities is relevant to understand the events that took place.

Please confirm whether Lender is willing to make a production in response to these narrowed specific requests. If not, we intend to raise this issue with the Court as well.

USSM reserves all rights. Please let us know if you believe a call would be useful to discuss these issues.

Best,  
Andrew

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**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Tuesday, March 7, 2023 10:37 AM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin

<[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

Cc: David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Andrew,

We reviewed the communications with Cushman & Wakefield again and our position remains that those communications are privileged. These communications relate to the drafting of the UCC public foreclosure sale documents, including the UCC Public Sale Notice and Terms of Sale. The communications involved Lender's counsel, Mayer Brown, and centered around the wording, framing, and drafting of these foreclosure sale documents. Lender retained Cushman & Wakefield and connected Cushman & Wakefield with counsel so that Lender could meet its legal obligations during the foreclosure sale. Due to the nature of these communications and involvement of legal advice, they were included on the privilege log.

Best,  
Mahnoor

**Mahnoor Misbah**

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**From:** Misbah, Mahnoor

**Sent:** Thursday, March 2, 2023 1:44 PM

**To:** 'Andrew W. Breland' <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Andrew,

Our litigation support team has worked through the metadata-related concerns you raised on our call on Tuesday and we are re-submitting our production in accordance with the requested specifications. Here is the sharefile link: <https://morrisoncohen.sharefile.com/d-sab1047e9d7794a12be4a1db8972d2592>. The password for production is: **hm+ec4DaAM3zf%&!**

If any pending issues remain, please let me know and I will make our litigation support team available for a call.

With respect to the substantive issues that were discussed, please see our responses below:



1. Production of further documents: during our last meet and confer, you stated that we should produce every single document that hit on the search terms that you proposed, as opposed to providing only the documents that were responsive to the agreed-upon narrowly tailored document requests (which we have already produced).
  - a. Lender's Response: producing every single document that hit on the overly broad search terms is unreasonable, especially in light of the fact that the parties had lengthy negotiations that resulted in the narrowly tailored document requests. We expected and informed USSM that the responsiveness rate would be low based on the broad search terms that USSM provided. We produced the documents from the search terms that hit upon the agreed scope of narrowly tailored document requests based on what would actually be relevant in this litigation. Accordingly, we will not agree to produce every document that hit on the search terms. Rather, if USSM believes it needs to expand the scope of what documents that were marked responsive, then we are amenable to receiving an updated set of document requests that are broader than the previous set of document requests but still narrowly tailored from USSM's original overly broad requests. Along with these updated document requests, we would expect an explanation as to how and why the requests are relevant to USSM's claims and/or defenses.
2. Text/WhatsApp messages: you are requesting relevant text messages as part of the production.
  - a. Lender's Response: we have reached out to our client regarding this issue. He is out of the country this week and we expect to touch base with him next week and will have further clarity on this issue then.
3. Documents related to Section 5.2.2: you claim that Lender must produce all the emails in the chain that contained the one responsive document for the request relating to the drafting and negotiation of Section 5.2.2 of the Mezz Loan Agreement because this is an issue of "completeness" rather than "responsiveness."
  - a. Lender's Response: it is standard to review each document for responsiveness as it stands. The only basis for responsiveness was the attachment in the email thread, which is why it was produced. We are not aware of any further standard for completeness that would justify the production of non-responsive and irrelevant documents within that email chain.
4. Rationale for including third-parties on privilege log: you seek a further explanation as to why the communications with the three individuals working for Cushman & Wakefield were logged on the privilege log.
  - a. Lender's Response: we are currently reviewing these logged documents again and will send an updated response with an explanation as to why such documents were withheld.

Best,  
Mahnoor

**Mahnoor Misbah**

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New York, NY 10022

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Friday, February 24, 2023 5:56 PM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin

<[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

Cc: David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

Subject: RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

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Thanks Mahnoor. That time works for us. I'll send around a calendar invite.

Thanks,  
Andrew

---

From: Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

Sent: Friday, February 24, 2023 4:49 PM

To: Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

Cc: David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

Subject: RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Thanks, Andrew. We can do 9 am on Tuesday but just have a hard stop at 10.

**Mahnoor Misbah**

*She/her/hers*

T: 212.735.8671 | F: 917.522.3171

[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)

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From: Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

Sent: Friday, February 24, 2023 2:09 PM

To: Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

Cc: David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

Subject: RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

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Thanks Mahnoor. We are available Tuesday morning if we can start between 9:00 and 10:00. Let us know if that will work

Thanks,  
Andrew

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>  
**Sent:** Friday, February 24, 2023 1:30 PM  
**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Andrew,

Thanks for your email. We are not available on Wednesday or Thursday but can be available on Tuesday or the following week. Please let us know what works.

Best,  
Mahnoor

**Mahnoor Misbah**

*She/her/hers*

T: 212.735.8671 | F: 917.522.3171

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>  
**Sent:** Friday, February 24, 2023 12:19 PM  
**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

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Richard and Mahnoor,

Thanks for this. We've taken some time to review the documents you produced in light of your letter. We'd like to get on the phone next week to continue the discussion and talk through some of these issues. Please let us know your availability for a call to discuss on Wednesday and Thursday.

Thanks,  
Andrew

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Tuesday, February 14, 2023 6:07 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Counsel,

See the attached correspondence.

Thanks,

**Mahnoor Misbah**

*She/her/hers*

T: 212.735.8671 | F: 917.522.3171

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**From:** Misbah, Mahnoor

**Sent:** Friday, February 10, 2023 2:55 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

Thanks, Andrew. We are looking into the points you raised in your letter and will get back to you with our responses early next week.

**Mahnoor Misbah**

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Friday, February 10, 2023 8:57 AM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

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See attached.

Andrew

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Thursday, February 9, 2023 9:13 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Meet and Confer re Plaintiffs' Responses and Objections

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Andrew,

Please provide Exhibit A, which is referenced in your letter.

Thanks,

**Mahnoor Misbah**

*She/her/hers*

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Thursday, February 9, 2023 6:15 PM

**To:** Thompson, Latisha V. <[ltompson@morrisoncohen.com](mailto:ltompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Hong, Richard <[rhong@morrisoncohen.com](mailto:rhong@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

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Latisha and Amber,

Further to my email this week and following up on you responses to our discovery requests, please see the attached.

Please let us know when you are available to meet and confer.

Andrew

Andrew W. Breland  
Kasowitz Benson Torres LLP  
1633 Broadway  
New York, NY 10019  
Tel. (212) 506-3371  
Fax. (212) 500-3427  
[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)

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